



DT03 Rec'd /PTO 15 NOV 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Siegbert VIAL ET AL.

International Application No. PCT/DE2003/000054

International Filing Date: 10/JANUARY/2003

Priority Date Claimed: 15/JANUARY/2002

U.S. Serial No: 10/501,322

Filed: 13/JULY/2004

For: FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A WRITING INSTRUMENT

CERTIFICATE OF MAILING,
37 C.F.R. §1.8(a)

I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Stephan Gribok
Stephan P. Gribok, Reg. No. 29,643
11-11-2004

Date

TRANSMITTAL LETTER

MAIL STOP MISSING PARTS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing are the following documents:

- Response to Notification of Missing Requirements;
- Assignment and Assignment Recordation Cover form;
- Please charge Deposit Account No. 04-1679 the total amount of \$170.00 to cover the fee \$130.00 for surcharge fee for late filing of verified English Translation of Application; and \$40.00 for assignment recordation;
A duplicate of this transmittal page is attached.
- Return postcard;

Respectfully submitted,

Stephan Gribok

Stephan P. Gribok
Registration No. 29,643
DUANE MORRIS LLP.
One Liberty Place
Philadelphia, PA 19103-7396
Phone No. (215-979-1283)

Docket No: 3241-99

PHI\1261438.1

The PTO did not receive the following Item(s) <u>NO Assignment</u>	
document	

Rec'd PCT/DO 15 NOV 2004

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

3241-99

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

NOT YET KNOWN

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/DE03/000054	10/JANUARY/2003	15/JANUARY/2002

TITLE OF INVENTION**FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A WRITING INSTRUMENT****APPLICANT(S) FOR DO/EO/US**

Siegbert VIAL/Georg KEIL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- 12/06/2004 WALLACE 00000010-A41679 ~~Amendment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.~~
- 01 FC:1515 ~~90.00 DA~~
- 02 FC:1616 ~~300.00 DA~~
11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. An assignment ~~Amendment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.~~
 13. A preliminary amendment.
 14. An Application Data Sheet under 37 CFR 1.76.
 15. A substitute specification.
 16. A power of attorney and/or change of address letter.
 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
 18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. Other items or information: Cert/Express Mail; Copy of WO 2003/059646A3 (German Text); Copy of WO 2003/059646A2 (German Text)

Copies of PCT IPEA/416;PCT/ISA/210; PCT/IB/301,304/308/332; PCT Request/ Return Postcard.

21. The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY****10/501322**

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 920.00

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	15 - 20 =	0	x \$18.00	\$
Independent claims	2 - 3 =	0	x \$86.00	\$ 0.0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$ 1,050.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			\$	
SUBTOTAL =				\$ 1,050.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$	
TOTAL NATIONAL FEE =				\$ 1,050.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$	
TOTAL FEES ENCLOSED =				\$ 1,050.00
				Amount to be refunded: \$
				charged: \$ 1,050.00

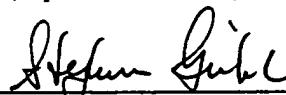
- a. A check in the amount of \$ [] to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 04-1679 in the amount of \$ 1,050.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1679. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Customer No. 08933

STEPHAN P. GRIBOK
DUANE MORRIS LLP
ONE LIBERTY PLACE
PHILADELPHIA, PA 19103

Docket No. 3241-99


SIGNATURE

STEPHAN P. GRIBOK

NAME

29,643

REGISTRATION NUMBER

Tel. No. 215-979-1853



Rec'd CCT/PTO 5 NOV 2004

HJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: **Siegbert VIAL ET AL.**

International Application No. PCT/DE2003/000054

International Filing Date: 10/JANUARY/2003

Priority Date Claimed: 15/JANUARY/2002

U.S. Serial No: 10/501,322

Filed: 13/JULY/2004

For: **FILLING DEVICE COMPRISING LATERAL FILLING WINDOWS FOR A WRITING INSTRUMENT**

**CERTIFICATE OF MAILING,
37 C.F.R. §1.8(a)**

I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Stephan P. Gribok
Stephan P. Gribok, Reg. No. 29,643
11-11-2004

Date

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371

MAIL STOP MISSING PARTS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of Missing Requirements mailed on September 13, 2004, applicant submits herewith:

- (1) English translation of PCT/DE03/000054;
- (2) Signed Verification;
- (3) Surcharge fees in the amount of \$130.00 (late English translation);
- (4) Copy of Notification (371 Formalities Letter Confirmation No. 6126);
- (5) Signed Declaration.

Applicant respectfully requests that the enclosed English Translation of PCT/DE03/000054, and the signed Verification of Translation, be entered into the above-identified pending Patent Application.

Applicants submit herewith the signed and dated Declaration and Power of Attorney.

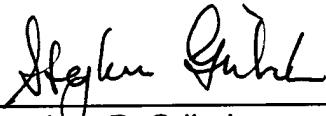
Applicants respectfully request that the enclosed, signed Declaration and Power of Attorney document, be entered into the above-identified pending Patent Application.

The surcharge fees associated with the late filing of the signed Declaration and Power of Attorney document (\$130.00), were submitted on July 13, 2004, the U.S. filing date. (a copy of the PTO-1390 is enclosed)

Please charge the surcharge fees associated with the late filing of the verified English Translation (\$130.00) to Deposit Account No. 04-1679.

Respectfully submitted,

Date: November 11, 2004



Stephan P. Gribok
Registration No. 29,643
DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103
(215) 979-1283

Docket No: 3241-99



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,322	Siegbert Vial	3241-99
INTERNATIONAL APPLICATION NO.		PCT/DE03/00054
IA. FILING DATE		01/10/2003 01/15/2002

08933
 DUANE MORRIS, LLP
 IP DEPARTMENT
 ONE LIBERTY PLACE
 PHILADELPHIA, PA 19103-7396

DOCKETED

CONFIRMATION NO. 6126
371 FORMALITIES LETTER



OC000000013786304

Date Mailed: 09/13/2004

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/13/2004
- Copy of the International Search Report filed on 07/13/2004
- Copy of IPE Report filed on 07/13/2004
- Oath or Declaration filed on 07/13/2004
- Request for Immediate Examination filed on 07/13/2004
- U.S. Basic National Fees filed on 07/13/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,322	PCT/DE03/00054	3241-99

FORM PCT/DO/EO/905 (371 Formalities Notice)



Rec'd PCT/PTO 15 NOV 2004
[Handwritten signature]

PCT/DE 03/00054

Filed January 10, 2003

I, government-accredited foreign language correspondent Grit Keller,
hereby confirm:

My name and post office address are as stated below.

I am knowledgeable in the English language and in the language in which the above identified application was filed, and I consider to the best of my knowledge and belief the English translation of the above application as filed to be a true and complete translation.

Grit Keller
Staufenstraße 7
86972 Altenstadt

November 10, 2004

A handwritten signature in black ink, appearing to read "Grit Keller".